

BDCP Principals Meeting

April 15, 2015

Actions and Decisions

Section 7 Team report

The Team is working well and making progress on the NEPA document and Section 7 consultation. The Project Description is mainly done; the Team is reviewing comments from DFW and FWS, and subgroups are working on certain items that will be incorporated in the Project Description. The Team is focusing on critical path items and does not expect the schedule to be delayed.

North Delta Diversion / E-I Ratio: Language is being drafted for the Project Description and should be ready for review and confirmation soon. NMFS proposed that the Principals need to decide how to proceed.

Longfin language: Chuck Bonham provided 3 minor changes in one paragraph of the draft language and 2 footnotes, and reiterated that for DFW this will be a permit term. Dan Castleberry noted that FWS is also interested in this topic. John Bezdek will talk with David Murillo and Jason Phillips about Reclamation's needs on this issue, and follow up with Chuck Bonham, Mark Cowin, David Murillo, Dan Castleberry and Karla Nemeth regarding final language to incorporate in the document.

Mitigation under Section 7 re design and construction detail: The group discussed what appropriate level of detail is needed to analyze effects of construction and mitigation requirements given the level of uncertainty for future actions. Ken Bogdan will follow up with Peg Romanik and the attorney team regarding the level of specificity needed for the analysis, and with Jason Phillips and the Section 7 Team. The Corps' needs for their permitting will be addressed.

Report re analytics workshop on April 13 & 14: Approximately 30 people from 5 agencies and consultants participated in working through components that will be incorporated into the effects analysis, aggregate analysis, and jeopardy analysis. The sessions were highly productive. Follow-up actions: a subgroup will work on deconstructing the Proposed Action in order to facilitate having all the necessary facts for the BiOp; technical teams will continue working on specific topics. The Section 7 Team will consider whether and when additional intensive blocks of time or workshops should be scheduled in the future.

Supplemental DEIS and alternatives analysis

Sub-alternatives will be added to the document: 3 intakes (Alternative 4a), 5 intakes, 3 intakes (Alternative 4), 1 intake. Because these rely on available modeling, these additions can be accomplished without adjusting the schedule.

"Alternative 4a" is the Preferred Alternative.

The NOI will be issued in early May; the target for the NOA is June 26. The NOI will be written as a standard communication. Talking points and a communication strategy need to be developed around the NOI and before the documents are issued ~June 26.

Karla Nemeth requested confirmation that there are sufficient resources / staff available for review of the NEPA documents. Dan Castleberry and Will Stelle noted that the priorities for staff time are: 1) drought response; 2) Section 7 Project Description for the BiOp; and 3) NEPA document review. Where possible the consultants should provide specific guidance to reviewing agencies regarding what to focus on in the documents, to assist in efficient use of time. The term "adverse effects" has different meanings under NEPA and ESA, creating a need to have clear definitions about the terminology in the documents. Kaylee Allen will take a lead on this issue.

Schedule and resource needs

Documents will be available in batches to reviewing agencies before the public release of the Supplemental DEIS/Recirculated DEIR around June 26. Reclamation may schedule one or more public meetings; Kaylee Allen will discuss what is legally required with the attorney team. The public comment period will be 45 days, with the potential for 1 extension based on requests from the public.

Additional funding needs: The chart from last month of tasks and funding needs to complete BA/ BiOp analyses was revised to show total funds needed at ~\$854k. Letty Belin and Jennifer Gimbel will work with OMB and DOI to search for funds that could be made available through existing sources and use of existing contracts. Requests for funding for habitat projects follow requests for funding for conveyance analyses.

Section 7 Schedule: Will Stelle described a timeline for the BA in August 2015 and BiOp in April 2016; this is aggressive but doable particularly if the Directors own the schedule to complete this process. Jason Phillips and Chuck Bonham agreed with this proposed schedule; Dan will talk with Ren Lohofener. The federal agencies need to affirm this timeline with D.C. officials in order to complete internal agency review processes within the projected timeframe. Will Stelle and Dan Castleberry will follow up with Karla Nemeth ASAP, as information for Karla to discuss the need for additional resources with the Governor's Office. Letty Belin and Jennifer Gimbel will take the lead for the federal agencies.

Review Revised BDCP Approach, overall State-Federal engagement, and schedule goals with COE and EPA

The process and timeline for completing the BiOp in April 2016 was reviewed for Colonel Farrell and EPA representatives Jane Diamond and Kathleen Johnson, including the need to clarify what will be needed for 404 and 408 permits. DWR, COE and EPA will implement a plan regarding these permitting decisions. COE and EPA are becoming more integrated in the organizational structure and process; they can contact Karla Nemeth with any questions on how this is working.

Ken Bogdan reviewed the schedule for reviewing the NEPA document. The Draft Admin document was sent to cooperating agencies on April 4; comments are due by April 22. Sections of the Admin Draft with the new sub-alternatives are due in mid-May for review by cooperating and responsible agencies. .

Colonel Farrell and Kathleen Johnson requested information on timing and focus for COE review that is due next week. Michelle Banonis will provide a Gantt chart this week to assist with COE and EPA review. Ken Bogdan will prepare a synthesis of what is necessary for 404 permitting review for COE and EPA to use; this should be ready soon.

Organizational suggestions

To integrate legal review in the Section 7 work, Peg Romanik and Ken Bogdan will work to anticipate when focused work sessions with the legal team will be most effective.

Use the Principals conference call on April 22 to resolve NDD/E-I ratio issue among Directors. Also use this time for discussion an update on the rollout schedule.

Karla Nemeth will follow up with EPA regarding participation in Principals sessions.

The Section 7 Team will make recommendations on the best way for the Principals to interact with the Team.